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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,487	11/28/2003	Tadashi Kojima	246038US2S	1194
22850	7590	10/09/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				HOANG, DANIEL L
ART UNIT		PAPER NUMBER		
		2136		
NOTIFICATION DATE		DELIVERY MODE		
10/09/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/722,487	KOJIMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel L. Hoang	2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 20-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### CLAIMS PRESENTED

Claims 1-20 have been canceled. Claims 20-21 are presented.

### RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 20-21 have been considered but are moot in view of the new ground(s) of rejection.

### CLAIM REJECTIONS

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

On line 4 of claim 21, applicant cites an encrypting section performing the step of "encrypting contents into first encrypted contents using a first key." The claim omits the step of generating the first key. Appropriate correction is required.

On line 10 of claim 21, applicant cites "multiply-encrypting the medium key using a third key." The claim omits the step of generating the third key. Appropriate correction is required.

On line 23 of claim 21, applicant cites a processing section "obtaining the first key by decoding the medium key using the second key" when moving the contents from the first recording medium to the second recording medium. The claim omits the step wherein the processing section obtains and/or is supplied the second key and/or generates the second key. Examiner has made this rejection on the basis of the following interpretation of the claim that will now be explained. Examiner requests that

applicants correct any incorrect interpretations of the claim. It is interpreted that the claimed invention intends to limit the amount of information that is transferred when moving contents from the first recording medium to a second recording medium. It is claimed that a medium key, move key, and third key are recorded onto the first recording medium by the processing section. It is claimed that these keys are supplied from the encrypting section except for the third key in which examiner is assuming is also supplied from the encrypting section. Because these keys are supplied from the encrypting section, examiner is interpreting that the processing section does not generate these keys nor does the processing section have the capability of generating these keys. It is further interpreted that the processing section obtains information/content from being supplied by the encrypting section or by obtaining it from information/content available on the first recording medium. It is interpreted that in the process of recording the contents onto the first recording medium, information/content is supplied from the encryption section. It is interpreted that during the process of moving contents from the first recording medium to the second recording medium, information/content is obtained from the first recording medium. Based on these interpretations of the claim, the citation of the second key on line 23 is deemed to be missing step(s). It is further unclear whether the second key is recorded on the first recording medium, is supplied to the processing section by the encryption section, or is generated by the processing section.

On line 26 of claim 21, applicant cites an encrypting section performing the step of "encrypting the contents into new encrypted contents using a new first key." The claim omits the step of generating the new first key. Appropriate correction is required.

On line 31 of claim 21, applicant cites "multiply-encrypting a new third key." The claim omits the step of generating the new third key. Appropriate correction is required.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

See rejection of claim 21 wherein claim 22 is also similarly rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimada et al, US Patent No. 7178137.**

**As per claim 20, Shimada teaches:**

A recording apparatus including a driver and an encoder, comprising:  
an encrypting section which performs the following:  
encrypting contents into first encrypted contents using a first key;

*[see figure 4]*

processing a key specific to the encoder using medium key block information read from a first recording medium, processing the processed key using medium specific information read from the first recording medium, thereby generating a second key;

*[see figure 4]*

encrypting the first key using the second key, thereby generating a medium key;

*[see figure 6]*

multiply-encrypting the medium key using a third key, thereby generating a move key;

*[see figure 6]*

processing a key specific to the driver using the medium key block information, thereby generating a fourth key; and

*[see figure 8]*

encrypting the third key using the fourth key; and

*[see figure 8]*

a processing section which performs the following when recording the contents onto the first recording medium:

recording, onto the first recording medium, first encrypted contents, the medium key, and the move key, which are supplied from the encrypting section; and

*[see figure 8]*

recording the third key encrypted using the fourth key onto a security area on the first recording medium,

*[see figure 8]*

wherein the processing section performs the following when moving the contents from the first recording medium to a second recording medium:

obtaining the first key by decoding the medium key using the second key;

*[see figure 9]*

obtaining the contents by decoding the first encrypted contents using the first key,

*[see figure 9]*

encrypting the contents into new encrypted contents using a new first key;

*[see figure 9]*

processing the key specific to the encoder using new medium key block information read from the second recording medium, and processing the processed key specific to the encoder using new medium specific information read from the second recording medium, thereby generating a new second key;

*[see figure 10]*

multiply-encrypting the new first key using the new second key and a new third key, thereby generating a new move key;

*[see figure 10]*

processing the key specific to the driver using the new key specific block information, thereby generating a new fourth key;

[see figure 10]

recording, onto the second recording medium, the new move key and new encrypted contents; and recording, onto a security area on the second recording medium, the new third key encrypted using the new fourth key; and

[see figure 13]

erasing the move key from the first medium.

[see figure 13]

**As per claim 21, Shimada teaches:**

The recording apparatus according to claim 21, wherein when the contents are moved from the second recording medium to a third recording medium, the processing section performs the following: decoding the new move key using the new second key and the new third key, thereby obtaining the first key; decoding the new encrypted contents using the new first key to obtain the contents, and encrypting the contents using a renewed first key, thereby obtaining renewed contents; processing the key specific to the encoder, using renewed medium key block information read from the third recording medium, and processing the processed key using renewed specific information' read from the third recording medium, thereby obtaining a renewed second key; multiply-encrypting the renewed first key using the renewed second key and the renewed third key, thereby producing a renewed move key; processing the key specific to the driver, using the renewed medium key block information, thereby producing a renewed fourth key; recording, onto the third recording medium, renewed encrypted contents and the renewed move key; recording, onto a security area on the third recording medium, the renewed third key encrypted using the renewed fourth key; and erasing the new move key from the second recording medium.

[see col. 10, lines 38-55 and col. 12, lines 18-45]

## CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## POINTS OF CONTACT

- \* Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulaney Street  
Alexandria, VA 22314

- \* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*



Daniel L. Hoang  
9/30/07

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10/11/07